



- 1 1. Plaintiffs' filed their Complaint on April 30, 2007, asking this Court to compel the
- 2 Defendants to adjudicate their delayed I-485 applications.
- 3 2. On September 6 and 7, 2007, the parties filed their cross-motions for summary
- 4 judgment.
- 5 3. On October 30, 2007, the Court issued a final judgment ruling in favor of the
- 6 plaintiffs' and ordered Defendants to adjudicate the application within 60 days of the
- 7 order.
- 8 4. It has now come to the parties' attention that visas for Plaintiffs' I-485's are not
- 9 available. The U.S. Department of State is now issuing visas for applicants with a
- 10 priority date of October 15, 2001, for applicants within the 3<sup>rd</sup> Employment
- 11 Preference (Exhibit 1). The Plaintiffs' priority date is March 18, 2002 (Exhibit 2).
- 12 5. By statute, the USCIS is unable to adjudicate the I-485 applications if there are no
- 13 available visas from the Department of State. Therefore, Defendants are not able to
- 14 comply with the Court's order to adjudicate the applications within 60 days.
- 15 6. Once visas are made available again, Defendants shall adjudicate Plaintiffs' I-485
- 16 applications within 60 days from the date of visa availability.
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19 Respectfully Submitted,

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21 Dated: November 26, 2007

\_\_\_\_\_/s/  
Justin Fok  
Attorney for Plaintiffs

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24  
25 Dated: November 27, 2007

\_\_\_\_\_/s/  
Ila C. Deiss  
Attorney for Defendants